

Docket No. 47578  
*10/25/03  
HJ*

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: G. Durant et al.

SERIAL NO.: 09/176,067 GROUP: 1621

FILED: October 20, 1998 EXAMINER: P. O'Sullivan

FOR: PHARMACEUTICALLY ACTIVE COMPOUNDS AND METHODS OF USE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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CERTIFICATE OF FAX TRANSMITTAL

I hereby certify this correspondence and the documents referred to as attached herein are being faxed to PETER O'SULLIVAN at 1-703-746-9779 at the U.S. Patent and Trademark Office on September 25, 2003.

By: Regina M. Edwards  
Regina M. Edwards

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Sir:

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is

a small entity. A statement:  
 is attached.  
 was already filed.  
 other than a small entity.

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Attorney Docket No.: 47578 (71095)  
 U.S. Serial No.: 09/176,067  
 Applicants: G. Durant  
 Filing Date: October 20, 1998  
 Group Art Unit: 1621  
 Examiner: P. O'Sullivan

### EXTENSION OF TERM

**NOTE:** "Extension of Time in Patent Cases (Supplement Amendments) - If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

**NOTE:** See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings, and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply. (complete (a) or (b), as applicable)

(a)  Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

|                                     | Extension<br>(months) | Fee for other than<br><u>small entity</u> | Fee for<br><u>small entity</u> |
|-------------------------------------|-----------------------|---|--------------------------------|
| <input type="checkbox"/>            | one month             | \$ 110.00                                 | \$ 55.00                       |
| <input type="checkbox"/>            | two months            | \$ 420.00                                 | \$ 210.00                      |
| <input checked="" type="checkbox"/> | three months          | \$ 950.00                                 | \$ 475.00                      |

**Fee: \$ 475.00**

If an additional extension of time is required, please consider this a petition therefor.  
*(check and complete the next item, if applicable)*

An extension for \_\_\_ months has already been secured. The fee paid therefor of  
 \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

OR

(b)  Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

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4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below

| (Col. 1)  | (Col. 2)                                     | SMALL ENTITY  |          |            |     | OTHER THAN A SMALL ENTITY |            |
|---|--|---------------|----------|------------|-----|---------------------------|------------|
| Claims Remaining After Amendment                | Highest No. Previously Paid For              | Present Extra | Rate     | Addit. Fee | O R | Rate                      | Addit. Fee |
|   |  |               | \$9.00   | \$         |     | \$18.00                   |            |
| Independent Claims Remaining After Amendment    | Independent Claims Remaining After Amendment |               | \$42.00  | \$         |     | \$84.00                   | \$         |
| First Presentation of Multiple Dependent Claims |  |               | \$140.00 | \$         |     | \$280.00                  | \$         |
|   |  |               |          |            |     | Total Addit. Fee          |            |

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,
- \*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
- \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** *"After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. Section 1.116(a) (emphasis added).*

*(complete (c) or (d), as applicable)*

(c)  No additional fee for claims is required.  
 OR  
 (d)  Total additional fee for claims required \$

#### FEE PAYMENT

5.  Attached is a check # in the sum of \$ 0.00 for the extension fee.  
 Charge Account No. 04-1105 the sum of 475.00 for the extension fee.

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**FEE DEFICIENCY**

**NOTE:** If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6.  If any additional extension and/or fee is required, charge Account No. 04-1105.

AND/OR

If any additional fee for claims is required, charge Account No. 04-1105.



Peter F. Corless  
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September 25, 2003  
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Sir:

## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office fax No. 1-703-746-9779 on the date shown below:

1. Amendment in Response to March 25, 2003 Office Action (56 pages); and
2. Amendment Transmittal and Request for 3-month Extension of Time (4 pages).

Regina M. Edwards  
Regina M. Edwards

September 25, 2003

BOS2\_349423.1

(Certification of Facsimile Transmission—page 1 of 1)